UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:21-cv-144-MOC

RICHARD PLYLER,)	
)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of)	
Social Security)	
Defendant.)	
	_)	

THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney's Fees. (Doc. No. 16). The parties agree that the Commissioner of Social Security should pay the sum of \$8,000.00, in full and final settlement of all claims arising under the Equal Access to Justice Act ("EAJA"). See 28 U.S.C. § 2412(d).

The motion is **GRANTED**. It is therefore **ORDERED** that the Court will award attorney fees in the amount of \$8,000.00, and that pursuant to <u>Astrue v. Ratliff</u>, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel.

IT IS SO ORDERED.

Signed: September 6, 2022

Max O. Cogburn Jr

United States District Judge

2